

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

SUN MICROSYSTEMS, INC., a Delaware
corporation,

Plaintiff

v.

NETWORK APPLIANCE, INC., a Delaware
corporation

Defendant

Civil Action No.

CV

08

1641

Summons in a Civil Action

EMC

To: Network Appliance, Inc.

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are

Mark D. Fowler, Esq.

David Alberti, Esq.

Christine K. Corbett, Esq.

Yakov M. Zolotarev, Esq.

Carrie L. Williamson, Esq.

DLA Piper US LLP

2000 University Avenue

East Palo Alto, CA 94303

Tel: (650) 833-2000

Fax: (650) 833-2100

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAR 26 2008

Date: _____

Richard W. Wieking

Name of clerk of court

Deputy clerk's signature

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

EM/7228474.

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Defendant, Network Appliance, Inc.
by:

- (1) personally delivering a copy of each to the individual at this place, _____; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or
- (4) returning the summons unexecuted to the court clerk on _____
- (5) electronic transmission by agreement with Defendant on March 28, 2008.

My fees are \$ -0- for travel and \$ -0- for services, for a total of \$ -0-

Date: March 28, 2008

Christine K. Corbett
Server's signature

Christine K. Corbett, Attorney for Plaintiff
Printed name and title

DLA PIPER US LLP
2000 University Avenue
East Palo Alto, CA 94303

Server's address

From: Corbett, Christine
Sent: Friday, March 28, 2008 11:47 AM
To: jeffrey.homrig@weil.com; edward.reines@weil.com
Cc: Fowler, Mark; Manzano, Carmen
Subject: Sun/NetApp: Service of Complaint (and related documents) in C:08-01641
Attachments: Complaint for Patent Infringement.pdf; Summons.pdf; Order Setting CMC.pdf; Civil Coversheet.pdf; Cert of Interested Parties.pdf; Chen Civil Practice Standing Order.pdf; ECF Registration Handout.pdf; USDC Guidelines.pdf; Not of Assignment to Chen.pdf; Standing Order for All Judges.pdf

Jeff,

Thank you for agreeing to accept service of the complaint (and related documents) in Case No. 08-01641 (EMC) on behalf of Network Appliance, Inc. and via electronic mail. Attached please find the complaint filed in Case No. 08-01641 and all related documents.

Thank you,
Christine

Christine Kerba Corbett
DLA Piper US LLP
2000 University Avenue
East Palo Alto, CA 94303-2248
(d) 650.833.2141
(f) 650.833.2001

3/28/2008